

REMARKS

Claims 1-21 are pending in the application. Claims 1-21 are rejected. No new matter has been added. Applicant understands that any rejection under new art is to be non-final. Applicant submits that the pending claims 1-21 are now in condition for allowance.

Claim Rejections under 35 U.S.C. §103

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma et al. (U.S. Patent 6,430,150). Applicant respectfully traverses these rejections.

Azuma et al. reference (U.S. Patent 6,430,150)

The Azuma et al. reference is directed to a telecommunication network, wherein each node is provided with the same physical topology information relating to a physical construction of telecommunication paths included in the telecommunication network and with the same logical topology information relating to routing of telecommunication paths. When a failure occurs, restoration is effected by transmitting information relating to the failure that has occurred in the telecommunication network, throughout the network. Each node that receives the information relating to the failure determines alternative paths for bypassing the failure using the information relating to the failure, the physical topology information, and the logical topology information. Then service is switched to the alternative paths.

Claim 1

Azumi et al. fails to teach or suggest each and every element of independent claim 1. Specifically, Azumi et al. fails to teach or suggest the steps of “determining whether a second connection can be established between a first node and a third node located after the second node along the first connection path,” “determining whether a third connection can be established between a fourth node located before the first node along

the first connection path and the second node,” and “determining whether a fourth connection can be established between a fourth node located before the first node along the first connection path and the third node.”

With regard to determining if a second connection can be established, Applicant respectfully disagrees with the Examiner’s analysis of Figure 5A. The Examiner has indicated that nodes 5 and 6 in Figure 5A are first and second nodes. The Examiner has also indicated that node 2 in Figure 5A is a third node. But, what the Examiner has indicated as a third node (node 2) is not “located after the second node along the first connection path” as required by claim 1.

Furthermore, Azumi et al. does not teach or suggest determining whether a third or fourth connection can be established. Applicant is unsure of the significance of Azumi et al. teaching that the messages from a second failure are different from the messages for a first failure. This is not the same as determining if a third connection can be established. The Examiner even admits that determining if a fourth connection can be established is not suggested. Applicant disagrees with the Examiner’s assertion that it would have been obvious, because Azumi et al. doesn’t teach or suggest determining if any other connections can be established.

Therefore, in view of the above amendment, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claim 1 under 35 USC § 103(a).

Claim 2

Claim 2 depends from independent claims 1 respectively and as such incorporates each and every element of claim 1. As discussed above, Azumi et al. fails to teach or suggest each and every element of claim 1. Therefore Azumi et al. fails to teach or suggest each and every element of claim 2.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claim 2 under 35 USC § 103(a).

Claim 6

Azumi et al. fails to teach or suggest each and every element of independent claim 6. With regard to determining if a second connection path can be established, for the same reasons as set forth for claim 1, Applicant respectfully disagrees with the Examiner's analysis of Figure 5A.

Furthermore, Azumi et al. does not teach or suggest determining a third or fourth path. Applicant is unsure of the significance of Azumi et al. teaching that the messages from a second failure are different from the messages for a first failure. This is not the same as determining if a third connection can be established. The Examiner even admits that determining if a fourth connection can be established is not suggested. Applicant disagrees with the Examiner's assertion that it would have been obvious, because Azumi et al. doesn't teach or suggest determining if any other connections can be established.

Therefore, in view of the above amendment, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claim 6 under 35 USC § 103(a).

Claims 3, 5, 7, 9 and 11

Claims 3, 5, 7, 9 and 11 depend from independent claims 1 and 6 and as such incorporates each and every element of there respective independent claim. As discussed above, Azumi et al. fails to teach or suggest each and every element of claims 1 and 6. Therefore Azumi et al. fails to teach or suggest each and every element of claims 3, 5, 7, 9 and 11.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claims 3, 5, 7, 9 and 11 under 35 USC § 103(a).

Claims 4 and 10

Claims 4 and 10 depend from independent claims 1 and 6 respectively and as such incorporates each and every element of claim 1 and 6, respectively. As discussed above, Azumi et al. fails to teach or suggest each and every element of claims 1 and 6.

Therefore Azumi et al. fails to teach or suggest each and every element of claims 4 and 10.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claims 4 and 10 under 35 USC § 103(a).

Claim 8

Claim 8 depends indirectly from independent claim 6 and as such incorporates each and every element of claim 6. As discussed above, Azumi et al. fails to teach or suggest each and every element of claim 6. Therefore Azumi et al. fails to teach or suggest each and every element of claim 8.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claim 8 under 35 USC § 103(a).

Claims 12-15

Claims 12-15 incorporate the each and every element of claim 1. As discussed above, Azumi et al. fails to teach or suggest each and every element of claim 1. Therefore Azumi et al. fails to teach or suggest each and every element of claims 12-15.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claims 12-15 under 35 USC § 103(a).

Claims 17-20

Claims 17-20 incorporate each and every element of claim 6. As discussed above, Azumi et al. fails to teach or suggest each and every element of claim 6. Therefore Azumi et al. fails to teach or suggest each and every element of claims 17-20.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claims 17-20 under 35 USC § 103(a).

Claims 16 and 21

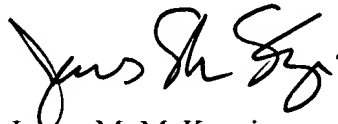
Claims 16 and 21 depends from claims 14 and 19 respectively, and as such incorporates each and every element of claim 14 and 19 respectively. Claim 14 incorporates each and every element of claim 1 and claim 19 incorporates each and every element of claim 6. As discussed above, Azumi et al. fails to teach or suggest each and every element of claims 1 and 6. Therefore Azumi et al. fails to teach or suggest each and every element of claims 16 and 21.

Therefore, in view of the above arguments, Applicant respectfully requests the reconsideration and withdrawal of the rejection to claims 16 and 21 under 35 USC § 103(a).

CONCLUSION

In view of the remarks set forth above, Applicant contends that Claims 1-21 are presently pending in this application, are patentable an in condition for allowance. If the Examiner deems there are any remaining issues, we invite the Examiner to call the undersigned at (617) 227-7400.

Respectfully submitted,
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